

PART 3 - RECORDKEEPING AND REPORTING INSTRUCTIONS FOR METHYL BROMIDE

3.1.	<i>INTRODUCTION</i>	1
3.2.	<i>PRODUCERS OF METHYL BROMIDE</i>	3
3.2.1.	Recordkeeping Requirements	3
3.2.2.	Reporting Requirements	4
3.2.3.	Form Instructions: Producer Quarterly Report (Form 2179.01-P-MB)	5
3.3.	<i>IMPORTERS OF METHYL BROMIDE</i>	8
3.3.1.	Recordkeeping Requirements	8
3.3.2.	Reporting Requirements	9
3.3.3.	Form Instructions: Importer Quarterly Report (Form 2179.01-I-MB)	10
3.4.	<i>EXPORTERS OF METHYL BROMIDE</i>	14
3.4.1.	Recordkeeping Requirements	14
3.4.2.	Reporting Requirements	14
3.4.3.	Form Instructions: Exporter Quarterly Report (Form 2179.01-E-MB)	14
3.5.	<i>DISTRIBUTORS AND THIRD PARTY APPLICATORS OF CRITICAL USE METHYL BROMIDE</i>	18
3.5.1.	Recordkeeping Requirements	18
3.5.2.	Reporting Requirements	18
3.5.3.	Form Instructions: Critical Use MeBr Distributor/ Third Party Applicator Report (Form 2179.01-TD-MB)	18
3.6.	<i>CERTIFICATION OF CRITICAL USE METHYL BROMIDE ORDER/ PURCHASE</i>	20
3.6.1.	Recordkeeping Requirements	20
3.6.2.	Reporting Requirements	20
3.7.	<i>NOTIFICATION OF METHYL BROMIDE TRANSFERS</i>	21
3.7.1.	Recordkeeping Requirements	21
3.7.2.	Form Instructions: Notification of MeBr Transfers (Form 2179.01-T-MB)	21
3.8.	<i>USED METHYL BROMIDE - PETITION TO IMPORT</i>	23
3.8.1.	Petition Information Requirements.....	23
3.8.2.	Recordkeeping Requirements	23
3.9.	<i>DISTRIBUTORS OF QPS METHYL BROMIDE</i>	24
3.9.1.	Recordkeeping Requirements	24
3.9.2.	Reporting Requirements	24
3.9.3.	Form Instructions – Distributor of QPS Methyl Bromide Quarterly Report (Form 1432.22-D-MB)	24
3.10.	<i>CERTIFICATION OF QPS METHYL BROMIDE ORDER/ PURCHASE</i>	26
3.10.1.	Recordkeeping Requirements	26
3.10.2.	Reporting Requirements	26
3.10.3.	Form Instructions – Certification of Order/Purchase of QPS Methyl Bromide (Form 1432.22-C-MB).....	27

PART 3 - RECORDKEEPING AND REPORTING INSTRUCTIONS FOR METHYL BROMIDE

3.1. INTRODUCTION

Part 3 of this guidance document outlines industry recordkeeping and reporting requirements for methyl bromide (MeBr) in the Stratospheric Ozone Protection Program. This guidance document has been updated to reflect regulation changes published in the Federal Register on December 23, 2004 “Process for Exempting Critical Uses From the Phaseout of Methyl Bromide.”

Producers, importers, exporters, distributors, third party applicators, critical and emergency use holders and allowance transferors that deal in methyl bromide are required to report periodically on a company-wide basis to EPA and to maintain records. Reports must be sent to the Administrator within 45 days after the end of the applicable reporting period, unless otherwise specified. Records and copies of reports must be retained for three years. Quantities of methyl bromide should be reported in kilograms. Please refer to 40 CFR §82.13 (“Recordkeeping and reporting requirements for class I controlled substances”) for a description of these general recordkeeping and reporting requirements. A control period calendar is provided in Appendix D.

The following listed methyl bromide reporting forms are *recommended formats* for providing the required information to EPA.¹ Companies may, however, provide the same information in another format if desired.

Title	EPA Form Number	Number of Pages	CFR Number*
QUARTERLY REPORTS			
Producer Quarterly Report	2179.01-P-MB	3	82.13(f)(3)- (4)
Importer Quarterly Report	2179.01-I-MB	4	82.13(g)(4), 82.13(o-q)
Exporter Quarterly Report	2179.01-E-MB	3	82.13(h)(2)
QPS Distributor Quarterly Report	1432.22-D-MB	1	82.13(y)(4)
ANNUAL REPORT (CAN OPT TO SUBMIT ON A QUARTERLY BASIS)			
Critical Use Distributor/ Third Applicator Report	2179.01-TD-MB	2	82.13 (bb)(2) – (cc)(2))
MISCELLANEOUS REPORTS			
Notification of Transfers	2179.01-T-MB	3	82.12(a)(1)
Petition to Import Used Substances	No form	--	82.13(g)(2)-(3)

¹ Note that the last two reports listed, the QPS Certification Report and the Critical Use Certification Report, are not submitted to EPA; they are provided as recommended formats to assist in other reporting requirements.

QPS Certification Report	1432.22-C-MB	1	82.13(y)(1)-(2), 82.13(z)(2)
Critical Use Certification Report	2179.01-CUC-MB	1	82.13(bb)(1)- (cc)(1)

3.2. PRODUCERS OF METHYL BROMIDE

Producers of methyl bromide are required to report to EPA. The reports require data on a company-wide scale, even though recordkeeping, in most cases, may be done on a facility or plant basis. Section 82.13(f) describes the regulatory requirements for recordkeeping and quarterly reporting of production.

Terms such as “production,” “destruction,” “transform,” “quarantine applications,” “preshipment applications,” “emergency use,” “critical use for pre-plant uses,” “critical use for post-harvest uses,” and “critical stock allowance” are defined in the regulations (§82.3) or in Appendix E to this guidance document.

3.2.1. Recordkeeping Requirements

Section 82.13(f)(2) describes the recordkeeping requirements for producers in detail. These requirements are summarized below.

- Dated records of the quantity of methyl bromide produced at each facility;
- Dated records of the quantity of methyl bromide produced for use in processes resulting in their transformation or destruction;
- Dated records of the quantity of methyl bromide produced and sold for a critical use, specifying quantities dedicated for pre-plant and post-harvest use;
- Dated records of the quantity of methyl bromide produced with Article 5 allowances;
- Copies of invoices or receipts documenting sales of methyl bromide resulting in their transformation or destruction;
- Dated records of the quantity of methyl bromide used at each facility as feedstocks or destroyed in the manufacturing of any substance, or any controlled substance introduced into the production process of the same methyl bromide;
- Dated records of the quantity of raw materials and feedstock chemicals used at each facility for the production of methyl bromide;
- Dated records of the shipments of methyl bromide produced at each plant;
- The quantity of methyl bromide, date received, and names and addresses of the source of used materials containing recycled or reclaimed methyl bromide at each plant;
- Records of the estimated quantity of any spill or release of methyl bromide that equals or exceeds 100 pounds and the date of the incident(s);
- Transformation and destruction verification certifying the intent to transform or destroy the methyl bromide or sell the methyl bromide for transformation or destruction in cases when allowances were not expended;
- Written certifications that the quantity of methyl bromide was purchased by distributors, applicators or approved critical users to be used or sold only for an approved critical use;
- Dated records of the quantity of methyl bromide produced and sold solely for export to satisfy critical uses authorized by the Parties for that control period;
- Written verifications from a U.S. purchaser that methyl bromide was exported to an Article 5 country in cases when Article 5 allowances were expended during production;
- Dated records of the quantity of methyl bromide produced for a critical use, specifying quantities dedicated for pre-plant and post-harvest use;
- Dated records of the quantity of methyl bromide produced for quarantine and pre-shipment (QPS) applications and the quantity of methyl bromide sold for QPS applications;
- Written certifications that the methyl bromide produced solely for QPS applications was

- purchased from the producer by distributors and applicators solely for use in QPS applications; and
- Written verifications from a U.S. person purchasing methyl bromide from the producer that methyl bromide, if exported, will only be used for QPS applications.

3.2.2. Reporting Requirements

The following list summarizes specific reporting requirements for various types of producers (§82.13(f)(3)-(4)).

Production Using Article 5 Allowances

Producers allocated baseline production allowances in §82.5 may produce up to 15 percent of the baseline explicitly for export to Article 5 countries for their domestic use. Producers must report the quantity produced for export to Article 5 countries and deduct expended Article 5 allowances from that producer's balance of Article 5 allowances. As explained in 82.13(f)(3)(ix), producers that produce methyl bromide using Article 5 allowances must provide a list of U.S. entities that purchased the methyl bromide for export to Article 5 countries. In addition, producers must maintain dated records of the quantities of methyl bromide produced with Article 5 allowances. Appendix C lists Article 5 countries.

Production for In-House or Second-Party Transformation

Producers must report quarterly the quantities of methyl bromide produced for in-house and second-party transformation.

Section 82.13(l) requires a person who purchases methyl bromide for second-party transformation to provide the producer with an IRS certification of intent to use the substance as a feedstock.

Copies of the certificates of intent to use the methyl bromide as a feedstock must accompany the quarterly report, whether the methyl bromide is sold for second-party transformation in the U.S. or for second-party transformation overseas. For each purchaser, only one copy of the certification must be provided during each control period as long as subsequent quantities shipped to that company are listed in each quarterly report.

Production for In-House or Second-Party Destruction

Producers must report quarterly the quantities of methyl bromide produced for in-house and second-party destruction.

Section 82.13(k) requires a person who purchases methyl bromide for second-party destruction to provide the producer from whom they purchased the material with verification that it will be used in a process resulting in its destruction.

Copies of destruction verifications for quantities sold for second-party destruction must accompany the Producer Quarterly Report.

Quarantine and Preshipment (QPS) Applications

Producers must report quarterly the quantities of methyl bromide sold or transferred during the quarter to a person other than the producer solely for QPS applications.

Producers must also submit a list of the quantities of methyl bromide that were produced by the

producer and exported by the producer and/or by other U.S. companies, to a Party to the Protocol solely for use in QPS applications.

As explained in §82.13(f)(3)(xv), producers must submit one copy of a certification that the methyl bromide will be used only for QPS applications from each recipient of the material. The certification must contain a list of any additional quantities shipped to that same person for the quarter.

Critical Use and Critical Stock Allowances

Producers must report quarterly the total of expended and unexpended critical use allowances that are pre-plant and post-harvest, as well as the total expended and unexpended critical stock allowances.

Stocks of Pre-phaseout Methyl Bromide

Producers should report annually the total stocks of pre-phaseout (pre-1/1/2005) methyl bromide owned, including all quantities held for the reporting company by other suppliers but not including any quantities sold to end-users.

3.2.3. Form Instructions: Producer Quarterly Report (Form 2179.01-P-MB)

The Producer Quarterly Report has three sections:

- Section 1 – Producing Company Identification
- Section 2 – Company Production Data (company-wide)
- Section 3 – Allowance Expenditure Data

Section 1 - Producing Company Identification

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Quarter and Year to which this Report Applies: Check the appropriate box and enter the appropriate year. Question 3.3 of the reporting form should be completed only when the fourth quarter is selected.
- 1.3 Producing Company: Name of the company and the business address of the contact person for the report.
- 1.4 Company Contact Identification: Name, telephone number, fax number, and e-mail address of the company official to be contacted by EPA if there are questions concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.5 Importer Information: Check the appropriate box to indicate the company's status as an importer and whether the importer quarterly report is attached.
- 1.6 Exporter Information: Check the appropriate box to indicate the company's status as an exporter and whether the exporter quarterly report is attached.
- 1.7 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report should complete and sign this section. This person may or may not be the company

contact person identified in Section 1.3. The person signing the form should read the “certification” that the information on the form is accurate.

Section 2 - Company Production Data

2.1 Company Name: Name as it appears in Section 1.2.

2.2 Company Production Totals:

Gross Production (kg) (Column A):

The total quantity, in kilograms, of methyl bromide produced.

In-House Transformation (kg) (Column B):

The total quantity, in kilograms, of methyl bromide produced for in-house transformation.

Second-Party Transformation (kg) (Column C):

The total quantity, in kilograms, of methyl bromide produced for second-party transformation. (Submit the certificate of intent to use the substance as a feedstock with the first sale to a company and list subsequent quantities sold to that company.)

In-House Destruction (kg) (Column D):

The total quantity, in kilograms, of methyl bromide produced for in-house destruction.

Second-Party Destruction (kg) (Column E):

The total quantity, in kilograms, of methyl bromide produced for second-party destruction. (Submit copy of the destruction verification from each company.)

Quarantine and Preshipment (QPS) (kg) (Column F):

The total quantity, in kilograms, of methyl bromide produced solely for QPS applications. The reported quantity should include both production for domestic QPS applications and for export to foreign parties.

Critical Use Exemption (CUE), Pre-Plant, Post-Harvest, and For Export (kg) (Column G₁, G₂, and G₃):

The total quantity, in kilograms, of methyl bromide produced solely for Pre-Plant CUE applications (Column G₁), the total quantity, in kilograms, of methyl bromide produced solely for Post-Harvest CUE applications (Column G₂), and the total quantity, in kilograms, of methyl bromide produced solely for export to satisfy CUE applications internationally (Column G₃).

Emergency Use Exemption (kg) (Column H):

The total quantity, in kilograms, of methyl bromide produced solely for use under an emergency use exemption. The reported quantity should include production for domestic emergency use exemptions and for export to foreign parties.

Article 5 Production (kg) (Column I):

The total quantity, in kilograms, of methyl bromide produced solely for export to Article 5 countries during this quarter that required expenditure of Article 5 allowances. Appendix C lists Article 5 countries.

Net Production of Methyl Bromide (A-B-C-D-E-F-G₁-G₂ G₃-H-I=J) (kg) (Column J):

The remaining quantities of methyl bromide after subtracting out quantities listed in columns

B, C, D, E, F, G₁, G₂, G₃, H, I from the quantity listed in column A.

Critical Stock Allowances (kg) (Column K):

The total quantity, in kilograms, of methyl bromide that was produced and/or imported prior to the January 1, 2005 phaseout made available for sale to critical uses during the control period.

Section 3 - Allowance Expenditure Data

3.1 Company Name: Name as it appears in Section 1.2.

3.2 Allowance Balance Summary: Please supply this information for all methyl bromide for which the company holds Article 5, pre-plant critical use, post-harvest critical use, or critical stock allowances.

Total Article 5 allowances for year to date (as of end of the quarter) (Column A):

The total sum of expended and unexpended Article 5 allowances.

Total pre-plant critical use allowances for year to date (as of the end of the quarter) (Column B₁):

The total sum of expended and unexpended pre-plant critical use allowances.

Total post-harvest critical use allowances for year to date (as of the end of the quarter) (Column B₂):

The total sum of expended and unexpended post-harvest critical use allowances.

Total critical stock allowances for year to date (as of the end of the quarter) (Column C):

The total sum of expended and unexpended critical stock allowances (CSAs).

3.3 Total Stocks of Pre-phaseout Methyl Bromide: The total stocks of pre-phaseout (pre-1/1/2005) methyl bromide owned at the end of the control period, including all quantities held for the reporting company by other suppliers, but not quantities sold to end-users. Please supply this information in the fourth quarter only unless otherwise directed.

3.4 Name(s) of Company(ies) for Which Critical Use Methyl Bromide is Being Held and Associated Amounts (kg) Held for Each (excluding end-users): The total quantity, in kilograms, of pre-plant and post-harvest critical use methyl bromide held on behalf of other entities and the names of those entities.

3.3. IMPORTERS OF METHYL BROMIDE

Importers of methyl bromide are required to report to EPA. Section 82.13(g) describes the regulatory requirements for recordkeeping and quarterly reporting of importation. Importers are also required to report blends and mixtures of methyl bromide. Terms such as “importer,” “critical use for pre-plant uses,” “critical use for post-harvest uses,” “critical stock allowance,” “destruction,” “heel,” “emergency use,” “quarantine applications,” “preshipment applications,” “transshipment,” and “transform” are defined in the regulations or in Appendix E.

Importers of used methyl bromide are required to petition EPA and the information required in the petition is described in §82.13(g)(2). Reports are also required for imports of used methyl bromide; Section 3.8 provides further information on these requirements.

3.3.1. Recordkeeping Requirements

Section 82.13 (g)(1) describes in detail the recordkeeping requirements for importers of methyl bromide. The records that must be maintained by all importers are summarized below:

- The quantity of methyl bromide imported, either alone or in mixtures, and the percentage of each mixture containing methyl bromide;
- The quantity of methyl bromide imported, either alone or in mixtures, that are used (including recycled or reclaimed);
- The quantity of methyl bromide excluding transshipments or used substances for use in processes resulting in their transformation or destruction;
- The date on which and the country from which methyl bromide was imported;
- The port of entry of the methyl bromide;
- The commodity code for methyl bromide shipped;
- The importer number for the shipment;
- A copy of the bill of lading;
- Import invoices;
- The U.S. Customs Summary Entry form;
- Dated records of the quantity of methyl bromide imported for a critical use, specifying quantities dedicated for pre-plant and post-harvest use;
- Written certifications that the quantity of methyl bromide imported for a critical use was purchased by distributors, applicators or approved critical users to be used or sold only for an approved critical use;
- Dated records of the sale or transfer of methyl bromide for use in processes resulting in its transformation or destruction;
- Copies of certifications confirming that the methyl bromide will be transformed or destruction verifications confirming its destruction;
- Dated records of the quantity of methyl bromide imported for QPS applications and the quantity sold for QPS applications;
- Written certifications that the quantities of methyl bromide, imported solely for QPS applications, were purchased by distributors or applicators to be used only for QPS applications; and
- Written verifications from a U.S. purchaser that methyl bromide imported solely for QPS applications, if exported, will be exported solely for QPS applications upon receipt of a certification.

3.3.2. Reporting Requirements

The following list summarizes specific reporting requirements for various types of imports (§82.13(g)(4) and (o-q)).

Imports for In-House or Second-Party Transformation

Importers must report quarterly the quantities of methyl bromide imported for in-house and second-party transformation. Section 82.13(l) requires that a person who purchases methyl bromide for second-party transformation must provide the importer with a certification of intent to use the substance as a feedstock.

Copies of the certificates of intent to use the methyl bromide as a feedstock must accompany the Importer Quarterly Report. For each purchaser, *only one copy* of the certification should be provided as long as subsequent quantities shipped to that company are listed in each quarterly report.

Imports for In-House or Second-Party Destruction

Importers must report quarterly the quantities of methyl bromide imported for in-house and second-party destruction. Section 82.13(k) requires the person who purchases methyl bromide for second-party destruction to provide the importer with verification that the methyl bromide will be used in processes that result in its destruction.

The importer quarterly report must be accompanied by copies of destruction verifications for quantities sold for second-party destruction.

Quarantine and Preshipment (QPS) Applications

Importers must report quarterly the quantity of methyl bromide sold or transferred to a person other than the importer solely for QPS applications.

The importer quarterly report must be accompanied by a copy of a certification that the methyl bromide will be used only for QPS applications as described in §82.13(g)(4)(xvii) as well as a list of additional quantities shipped to that same person for the quarter.

Critical Use and Critical Stock Allowances

Importers must report quarterly the total of expended and unexpended critical use allowances that are pre-plant and post-harvest.

Importers must report quarterly the total of expended and unexpended critical stock allowances.

Imports of Used Methyl Bromide

Importers must report the quantity of imports of used methyl bromide.

Imports of 'Heels'

A heel is any quantity of methyl bromide returning to the United States that is no more than 10 percent of the volume of the container and was not unloaded or discharged from that container.

Imported heels must be reported quarterly. The importer must label their bill of lading or invoice indicating that the methyl bromide in the container is a heel. The importer of heels must submit certification that the material will either: (1) remain in the container and be included in a future shipment; (2) be recovered and transformed; (3) be recovered and destroyed; or (4) be recovered

for a non-emissive use. The importer must also report on the final disposition of the heel.

Stocks of Pre-phaseout Methyl Bromide

Importers should report annually the total stocks of pre-phaseout (pre-1/1/2005) methyl bromide owned, including all quantities held for the reporting company by other suppliers but not including any quantities sold to end-users.

3.3.3. Form Instructions: Importer Quarterly Report (Form 2179.01-I-MB)

The Importer Quarterly Report has four sections:

- Section 1 – Importing Company Identification
- Section 2 – Transaction Records
- Section 3 – Company Import Data (company-wide)
- Section 4 – Allowance Expenditure Data

Section 1 - Importing Company Identification

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Number of Transactions Reported: Total number of individual transactions reported in Section 2.
- 1.3 Number of Pages Submitted: Total number of pages in the report, including transaction summary pages.
- 1.4 Quarter and Year to which this Report Applies: Check the appropriate box and enter the appropriate year.
- 1.5 Importing Company: The name of the company and the business address of the contact person for the report.
- 1.6 Company Contact Identification: The name, telephone number, fax number, and e-mail address of the company official who may be contacted by EPA concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.7 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report. This may or may not be the company contact person identified in Section 1.6. The person signing the form should read the “certification” that the information on the form is accurate.

Section 2 - Transaction Records

- 2.1 Company Name: Company submitting the Importer Quarterly Report, as in Section 1.5.
- 2.2 Transaction Summaries: Enter "1" for first transaction of the quarter and proceed with "2," "3," and so on, for additional transactions. Reproduce this page as needed to obtain sufficient blank spaces for additional transactions.

Source Country:

The country from which the methyl bromide was exported to the United States.

Port of Exit from Source Country:

Port city from which the methyl bromide was exported, as shown on the U.S. Customs Entry Summary Form 7501 or bill of lading.

Importer Number:

The company's IRS number is usually used for identification. *Please ensure the number is a complete U.S. Customs Service Importer Number.* This number appears on the Customs Entry Summary Form 7501 as two digits, followed by a dash, then seven digits (e.g., 12-1234567).

Commodity Code of Shipment:

The 10-digit code number as identified in the Harmonized Tariff Schedule. Commodity codes are designated by the U.S. Customs Service for class I substances. The commodity code for methyl bromide is 2903.30.1520.

Quantity of Commodity Imported:

The total quantity, in kilograms, of the commodity imported. If the commodity is a mixture, then the reported quantity of the commodity should be greater than the reported quantity of methyl bromide imported.

Quantity of Methyl Bromide Imported:

The total quantity, in kilograms, of methyl bromide imported.

Port of Entry into the U.S.:

The U.S. port where the shipment landed.

Date of Import:

The import date, as shown in Block 27 of the U.S. Customs Entry Summary Form. The date of import is the date that the ship arrives at the port, or the truck or train enters the U.S.

Customs Entry Summary Number:

This number identifies the specific shipment (from block number 1 of U.S. Customs Form 7501). The Customs Entry Summary Number is generally three (3) letters followed by nine (9) digits.

Methyl Bromide will be imported for:

Check the box describing the intended use (QPS, Transformation, Destruction, Pre-Plant Critical Use, Post-Harvest Critical Use, or Emergency Use).

Transaction Type:

If applicable, check the box describing the transaction type (Used or Heels). If the substance is new neither box should be checked.

Section 3 - Company Import Data

3.1 Company Name: Name of the company submitting the report, as in Section 1.5.

3.2 Company Import Totals:

Gross Imports (kg) (Column A):

The total quantity, in kilograms, of methyl bromide imported.

In-House Transformation (kg) (Column B):

The total quantity, in kilograms, of methyl bromide imported for in-house transformation during the quarter.

Second-Party Transformation (kg) (Column C):

The total quantity, in kilograms, of methyl bromide imported for second-party transformation. (Submit the certificate of intent to use the substance as a feedstock with the first sale to a company and list subsequent quantities sold to that company.)

In-House Destruction (kg) (Column D):

The total quantity, in kilograms, of methyl bromide imported for in-house destruction.

Second-Party Destruction (kg) (Column E):

The total quantity, in kilograms, of methyl bromide imported for second-party destruction. (Submit copy of the destruction verification from each company.)

Quarantine and Preshipment (QPS) (kg) (Column F):

The total quantity, in kilograms, of methyl bromide imported solely for QPS applications.

Critical Use Exemption, Pre-Plant and Post-Harvest (CUE) (kg) (Column G₁ and G₂):

The total quantity, in kilograms, of methyl bromide imported solely for Pre-Plant CUE applications (Column G₁) and the total quantity, in kilograms, of methyl bromide imported solely for Post-Harvest CUE applications (Column G₂).

Emergency Use Exemption (kg) (Column H):

The total quantity, in kilograms, of methyl bromide imported solely for emergency use.

Net Imports of Methyl Bromide (A-B-C-D-E-F-G₁-G₂- H=I) (kg) (Column I):

The remaining quantities of methyl bromide after subtracting out quantities listed in columns B, C, D, E, F, G₁, G₂, and H from the quantity listed in column A.

Total "Used" Imports (kg) (Column J):

The total quantity, in kilograms, of used methyl bromide imported.

Total "Heels" (kg) (Column K):

The total quantity, in kilograms, of methyl bromide brought into the U.S. as a heel that is less than 10 percent of the volume of each container. (The importer must label their bill of lading or invoice indicating that the class I substance in the container is a heel as required in §82.13(o), submit the certification that the heel will be treated as required in §82.13(p), and report on the final disposition of the heel in accordance with §82.13(q).)

Section 4 – Allowance Expenditure Data

4.1 Company Name: Name of the company submitting the report, as in Section 1.5.

- 4.2 Balance Summary of Allowances: Please supply this information for all methyl bromide for which the company holds pre-plant critical use, post-harvest critical use, or critical stock allowances.

Total pre-plant critical use allowances for year to date (as of end of the quarter) (Row A₁):
The total sum of expended and unexpended pre-plant critical use allowances (CUAs).

Total post-harvest critical use allowances for year to date (as of end of the quarter) (Row A₂):
The total sum of expended and unexpended post-harvest critical use allowances (CUAs).

Total critical stock allowances for year to date (as of the end of the quarter) (Row B):
The total sum of expended and unexpended critical stock allowances (CSAs).

- 4.3 Total Stocks of Pre-phaseout Methyl Bromide: The total stocks of pre-phaseout (pre-1/1/2005) methyl bromide owned at the end of the control period, including all quantities for the reporting company held for the reporting company by other suppliers, but not quantities sold to end-users. Please supply this information in the fourth quarter only unless otherwise directed.

- 4.4 Name(s) of Company(ies) for Which Critical Use Methyl Bromide is Being Held and Associated Amounts (kg) Held for Each (excluding end-users): The total quantity, in kilograms, of pre-plant and post-harvest critical use methyl bromide held on behalf of other entities and the names of those entities.

3.4. EXPORTERS OF METHYL BROMIDE

Exporters of methyl bromide are required to report to EPA. Section 82.13 (h)(2) describes the regulatory requirements for recordkeeping and quarterly reporting for exporters. Exporters must send the report to EPA within 45 days after the end of the quarter. Terms such as “exporter,” “destruction,” “critical use for pre-plant uses,” “critical use for post-harvest uses,” “critical stock allowance,” “emergency use,” “quarantine applications,” “preshipment applications,” and “transform” are defined in regulations (§82.3) or in Appendix E.

The exporter is the company that owns the methyl bromide when it is exported, not necessarily the person that places it on the ship or in the truck. Generally, the Agency will accept the exporter's business invoice as proof that the company had contracted to sell or transfer the methyl bromide to a foreign entity. On-board bills of lading are also necessary to verify that the export occurred. The U.S. Export Declaration Form may be substituted for the bill of lading.

3.4.1. Recordkeeping Requirements

There are no recordkeeping requirements for exporters. However, EPA recommends that companies exporting methyl bromide maintain copies of invoices and bills of lading for each shipment.

3.4.2. Reporting Requirements

In general, information provided about the recipient should pertain to the location of the plant where the methyl bromide is to be used, rather than the location of the corporate headquarters. For purposes of the Stratospheric Ozone Protection Program, the destination is defined as the ultimate destination of the export, rather than any transit destinations.

Reporting requirements for various types of exports include those quantities exported for transformation, destruction, QPS, critical and emergency use exemptions, and the quantities exported to Article 5 countries. Section 82.13(h)(2)(viii) requires a sales agreement or invoice certifying that the methyl bromide exported to a Party to the Protocol is intended for transformation, destruction, or that the recipient or eventual applicator will only use the material for QPS applications.

3.4.3. Form Instructions: Exporter Quarterly Report (Form 2179.01-E-MB)

The Exporter Quarterly Report has three sections:

- Section 1 – Exporting Company Identification
- Section 2 – Transaction Records
- Section 3 – Company Export Totals

Section 1 - Exporting Company Identification

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Number of Transactions Reported: The number of individual methyl bromide shipments exported during the control period.

- 1.3 Number of Pages Submitted: Total number of pages in the report.
- 1.4 Quarter and Year to Which This Report Applies: Check the appropriate box and enter the appropriate year. Question 1.5 of the reporting form should be completed only when the fourth quarter is selected.
- 1.5 Total Stocks of Pre-phaseout Methyl Bromide: The total stocks of pre-phaseout (pre-1/1/2005) methyl bromide owned at the end of the control period, including all quantities held for the reporting company by other suppliers, but not quantities sold to end-users. Please supply this information in the fourth quarter only unless otherwise directed.
- 1.6 Exporting Company Information: Name of the company and the business address of the contact person for the report.
- 1.7 Company Contact Identification: Name, telephone number, fax number, and e-mail address of the company official who may be contacted by EPA to answer questions concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.8 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report should complete and sign this section. This may or may not be the company contact person identified in Section 1.6. The person signing the form should read the "certification" that the information on the form is accurate.

Section 2 - Transaction Records

- 2.1 Company Name: Name of the company submitting the report, as in Section in 1.4.
- 2.2 Transaction Summaries: Enter "1" for first transaction of the control period and proceed with "2," "3," and so on, for additional transactions. Reproduce this page as needed to obtain sufficient blank spaces for additional transactions.

Recipient Company Name:

The company receiving the methyl bromide.

Street Address:

The business address of the recipient company.

City:

The city of the recipient company.

Country:

The country to which the methyl bromide was exported.

Postal Code:

The postal code of the recipient company.

Company Contact Person:

The name of a contact person employed at the recipient company, his/her telephone number, and facsimile number.

Percent of Methyl Bromide that is Used, Recycled or Reclaimed:

The percent of methyl bromide that is being exported that is used, recycled, or reclaimed.

Commodity Code of Shipment:

The 10-digit code number as identified in the Harmonized Tariff Schedule. Commodity codes are designated by the U.S. Customs Service for class I substances. The methyl bromide code is 2903.30.1520.

Quantity of the Methyl Bromide Exported (kg):

The total quantity, in kilograms, of the methyl bromide exported. For pure methyl bromide, this will equal the quantity of the commodity imported. For mixtures containing methyl bromide, multiply the percentage of methyl bromide in the mixture by the quantity of commodity imported.

Source of Methyl Bromide:

The U.S. producer of the methyl bromide being exported.

Date of Export:

The date of the export as it appears on the bill of lading.

Port of Export from the U.S.:

The U.S. port where the methyl bromide was loaded on the exporting vessel.

Exporter EIN Number from Customs Form 7525:

The "Employer Identification Number" (EIN) shown on the Shipper's Export Declaration Form. This number may or may not refer to the exporter as defined by EPA. If a shipping agent is acting on behalf of the exporter as defined by the regulation, the EIN of the agent shown on the U.S. Customs Form 7525 should be reported here.

Methyl Bromide will be Exported for:

Check the box (transformation, destruction, quarantine and preshipment, critical use, emergency use, or Article 5 allowances) that applied to the specific transaction.

Section 3 – Company Export Totals

Reproduce the blank form as needed.

For each transaction summary, provide the following information:

3.1 Company Name: Name of the reporting company, as in Section 1.6.

3.2 Transaction Summaries for Methyl Bromide:

Country Exported to:

The country to which methyl bromide was exported.

Transformation (kg):

The total quantity, in kilograms, of methyl bromide exported for transformation.

Destruction (kg):

The total quantity, in kilograms, of methyl bromide exported for destruction.

Article 5 (kg):

The total quantity, in kilograms, of methyl bromide exported to each Article 5 country. Appendix C lists Article 5 countries.

Quarantine and Preshipment (kg):

The total quantity, in kilograms, of methyl bromide exported for use in QPS applications.

Critical Use Exemption (CUE) (kg):

The total quantity, in kilograms, of methyl bromide exported for critical use exemption purposes.

Emergency Use Exemption (kg):

The total quantity, in kilograms, of methyl bromide exported for emergency use exemption purposes.

Totals:

The sum, in kilograms, of the methyl bromide exports (i.e., sum each column).

3.5. DISTRIBUTORS AND THIRD PARTY APPLICATORS OF CRITICAL USE METHYL BROMIDE

Distributors and third party applicators of methyl bromide are required to report to EPA. Section 82.13(bb) describes the regulatory requirements for recordkeeping and quarterly reporting for distributors. Section 82.13(cc) describes the regulatory requirements for recordkeeping and quarterly reporting for third party applicators. Distributors and third party applicators must send the report to EPA within 45 days after the end of the control period (December 31st), but also have the option to submit the report on a quarterly basis. Please be sure to indicate whether the report being submitted is annual or quarterly. Terms such as “critical use for pre-plant uses,” “critical use for post-harvest uses,” and “critical stock allowance,” are defined in regulations (§82.3) or in Appendix E.

3.5.1. Recordkeeping Requirements

Section 82.13(bb)(1) describes the recordkeeping requirements for distributors. Section 82.13(cc)(1) describes the recordkeeping requirements for third party applicators. For the convenience of reporting companies, EPA has provided *Form 2179.01-CUCD-MB* as a recommended certification form; please refer to Section 3.6 of this guidance document for more information. Records of certifications must be maintained for three years.

3.5.2. Reporting Requirements

As required in §82.13(bb)(2) and §82.13(cc)(2), distributors and third party applicators of critical use methyl bromide must report to EPA the total quantity of pre-plant and post-harvest critical use methyl bromide that was bought, sold, owned, and held on behalf of other entities. The total quantity of critical use methyl bromide sold for pre-plant and post-harvest critical uses must specify the quantity sold to each approved critical use category. Distributors and third party applicators of critical use methyl bromide must also report the total of expended and unexpended critical stock allowances.

3.5.3. Form Instructions: Critical Use MeBr Distributor/ Third Party Applicator Report (Form 2179.01-TD-MB)

The Distributor/ Third Party Applicator Report has two sections:

- Section 1 – Distributor or Third Party Applicator Company Identification
- Section 2 – Transaction Data

Section 1 - Company Identification

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Year to Which This Report Applies: Enter the appropriate year.
- 1.3 Quarterly (select Quarter) or Annual Submittal: If submitting this report on a quarterly basis, select the quarter for which the data represents. If submitting this report annually, check the annual box. If the fourth quarter or annual box is selected, Question 2.8 of the reporting form should also be completed.
- 1.4 Company: Name of the company and the business address of the contact person for the report.

- 1.5 Company Contact Identification: Name, telephone number, fax number, and e-mail address of the company official who may be contacted by EPA to answer questions concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.6 Company Type: Type of the company, either a distributor or third party applicator of critical use methyl bromide, submitting the report.
- 1.7 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report should complete and sign this section. This may or may not be the company contact person identified in Section 1.5. The person signing the form should read the "certification" that the information on the form is accurate.

Section 2 - Transaction Data

- 2.1 Company Name: Name of the company submitting the report, as in Section in 1.4.
- 2.2 Total Amount of Critical Use Methyl Bromide Sold for Per-Plant and Post-Harvest Critical Uses, Active Ingredient Only (as either gas or as part of fumigant services) (kg): The total quantity, in kilograms, of pre-plant and post-harvest critical use methyl bromide sold for the specified approved critical uses.
- 2.3 Total Amount of Critical Use Methyl Bromide Sold to another Distributor/Supplier (kg): The total quantity, in kilograms, of pre-plant and post-harvest critical use methyl bromide sold to another distributor and/or supplier.
- 2.4 Total Amount of Critical Use Methyl Bromide Bought (kg): The total quantity, in kilograms, of pre-plant and post-harvest critical use methyl bromide bought.
- 2.5 Total Amount of Critical Use Methyl Bromide Owned (kg): Calculate the total quantity, in kilograms, of pre-plant and post-harvest critical use methyl bromide owned by subtracting the total quantity of pre-plant and post-harvest critical use methyl bromide sold as listed in Section 2.2, and the total quantity of pre-plant and post-harvest critical use methyl bromide sold to another distributor or supplier as listed in Section 2.3, from the total quantity of pre-plant and post-harvest critical use methyl bromide amount bought as listed in Section 2.4.
- 2.6 Name(s) of Company(ies) for Which Critical Use Methyl Bromide is Being Held and Associated Amounts (kg) Held for Each (excluding end-users): The total quantity, in kilograms, of pre-plant and post-harvest critical use methyl bromide held on behalf of other entities and the names of those entities.
- 2.7 Total Critical Stock Allowances (CSAs) for Year to Date that were Expended and Unexpended: The total sum of expended and unexpended total critical stock allowances.
- 2.8 Total Stocks of Pre-phaseout Methyl Bromide: The total stocks of pre-phaseout (pre-1/1/2005) methyl bromide owned at the end of the control period, including all quantities held for the reporting company by other suppliers, but not quantities sold to end-users. Please supply this information in the fourth quarter only unless otherwise directed.

3.6. CERTIFICATION OF CRITICAL USE METHYL BROMIDE ORDER/ PURCHASE

Prior to delivery, purchasers of methyl bromide must certify to the supplier company if the methyl bromide will be sold or used solely for pre-plant or post-harvest critical use applications. Every distributor and third party applicator, purchasing critical use methyl bromide, must submit the certification to the producer or importer, or other entity from which they are acquiring the critical use methyl bromide, as required in §82.13(bb)(1) and §82.13(bb)(2). Terms such as “critical use for pre-plant uses” and “critical use for post-harvest uses” are defined in regulations (§82.3) or in Appendix E.

3.6.1. Recordkeeping Requirements

Recordkeeping is required for distributors and third party applicators of critical use methyl bromide. Records must be maintained for three years. Section 82.13(bb)(1) describes the recordkeeping requirements for distributors. Section 82.13(cc)(1) describes the recordkeeping requirements for third party applicators. These requirements are summarized below.

- Written certifications that certify to the producer or importer that the quantities of methyl bromide being acquired by the third party applicator or the distributor will be sold or used only for approved critical uses;
- Written verifications from a U.S. purchaser prior to delivery that the quantity of critical use methyl bromide ordered sold to the distributor or third party applicator will be sold or used only for approved critical uses;
- Dated records of invoices and order records related to the sale of critical use methyl bromide.

3.6.2. Reporting Requirements

A certification report must be completed by any company purchasing critical use methyl bromide and must subsequently be maintained as records by both the purchaser and the supplier (the form is not submitted to EPA). For the convenience of reporting companies, EPA has provided *Form 2179.01-CUC-MB* as a recommended certification form. The report should include the name of the critical use methyl bromide customer and address, and a contact name and phone number for the customer. The certification from the purchaser should also identify the total quantity of critical use methyl bromide ordered or purchased. The reporting company representative should certify, by selecting the appropriate check box, if the methyl bromide will or will not be exclusively used for pre-plant or post-harvest critical use allowances.

Additionally, the approved critical users purchasing an amount of critical use methyl bromide or purchasing fumigation services with critical use methyl bromide must provide documentation that identifies the use as a critical use and certifies them as an approved critical user with each request. The documentation must certify knowledge of the requirements associated with the exemption for critical use allowances by including a certification statement as provided in §82.13(dd). The certification must also indicate the type of critical use methyl bromide purchased, the location of the treatment, the crop or commodity treated, the quantity purchased, the acreage/square footage treated, and must be signed and dated by the approved critical user. There is no EPA recommended form for this documentation.

3.7. NOTIFICATION OF METHYL BROMIDE TRANSFERS

Holders of Article 5, pre-plant critical use, post-harvest critical use, and critical stock allowances for methyl bromide may transfer allowances for a specific control period through transfers with another company. Section 82.12 describes the regulatory requirements for quarterly reporting for companies increasing or decreasing allowances for a specific control period through transfers with another company. The terms “Article 5 allowances,” “critical use for pre-plant uses,” “critical use for post-harvest uses” and “critical stock allowance” are defined in the regulations or in Appendix E.

3.7.1. Recordkeeping Requirements

There are no recordkeeping requirements for companies notifying the Agency of Article 5, pre-plant critical use, post-harvest critical use, and/or critical stock allowance transfers.

3.7.2. Form Instructions: Notification of MeBr Transfers (Form 2179.01-T-MB)

The form for Notification of MeBr Transfers has three sections:

- Section 1 – Transferor Identification
- Section 2 – Transaction Record
- Section 3 – Unexpended Balance Summary

Section 1 – Transferor Identification

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Number of Transactions Reported: Total number of individual transactions reported in Section 2.
- 1.3 Number of Pages Submitted: Total number of pages in the report, including transaction summary pages.
- 1.4 Company Information: The name of the company transferring the allowances and the business address of the contact person for the report.
- 1.5 Company Contact Identification: The name, telephone number, fax number, and e-mail address of the company official who may be contacted by EPA concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.6 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report. This may or may not be the company contact person identified in Section 1.5. The person signing the form should read the "certification" that the information on the form is accurate.

Section 2 - Transaction Record

Companies notifying EPA of transfers in Article 5, pre-plant critical use, post-harvest critical use, or critical stock allowance transfers should complete this section for each transfer (transaction). Reproduce blank copies of Section 2 if needed. Enter "1" for first transaction of the quarter and proceed with "2", "3", and so on, for additional transactions.

For each transaction, complete the form as follows:

2.1 Transferee Identification:

Transferee Company Name:

Name and address of the transferee company (the company receiving allowances as a result of the trade).

Transferee Contact Person:

Identify a contact person and provide an address and telephone and fax numbers.

Check only one:

Check the appropriate box for the type of allowances (pre-plant critical use, post-harvest critical use, Article 5, or critical stock allowances) being transferred.

2.2 Type of Allowances Transferred: Check only one box to identify the type of allowances being transferred. A transfer of current year allowances is only for the current control period. A transfer of baseline allowances permanently reduces the number of Article 5 allowances that the transferor will receive in future allocations.

2.3 Number of Methyl Bromide Allowances Being Transferred (kg): The total quantity, in kilograms, of methyl bromide that is being transferred.

2.4 Amount of Offset (kg): The amount of offset is calculated by multiplying the amount listed in Section 2.3 by 0.001 for pre-plant and post-harvest critical use allowances and by 0.01 for Article 5 Allowances. If the transfer is a critical stock allowance, no offset is applied and this question should be left blank.

2.5 Number of Allowances Subtracted from Transferor's Balance of Chemical Being Transferred (kg): Calculate the amount of allowances that are to be subtracted from the transferor's balance of the chemical listed in Section 2.3 by adding the amount listed in Section 2.3 to the amount listed in Section 2.4.

2.6 Number of Methyl Bromide Allowances Being Received (kg):
The total quantity, in kilograms, of methyl bromide that is being received.

Section 3 - Unexpended Balance Summary

3.1 Balance of Unexpended Methyl Bromide Allowances Prior to Trades Reported: Report the company's balance of unexpended allowances of methyl bromide before the trade.

Balance of Unexpended Pre-Plant Critical Use Allowances (Column A):

The unexpended pre-harvest critical use allowances held by the transferor.

Balance of Unexpended Post-Harvest Critical Use Allowances (Column B):

The unexpended post-harvest allowances held by the transferor.

Balance of Unexpended Article 5 Allowances (Column C):

The unexpended Article 5 allowances held by the transferor.

Balance of Unexpended Critical Stock Allowances (Column D):

The unexpended critical stock allowances held by the transferor.

3.8. USED METHYL BROMIDE - PETITION TO IMPORT

A rule published December 31, 2002 (67 FR 79872), clarified and updated the petition process for imports of *used* class I substances, including methyl bromide, as previously established in 40 CFR Part 82. The term “used controlled substances” is defined in the regulations (§82.3) and reproduced in Appendix E. **EPA is not aware of any practice involving imports of used methyl bromide but is providing the information in this section to clarify how such imports would be covered under the current regulatory framework.**

An importer needs to petition EPA to import each individual shipment over 5 pounds of used methyl bromide, at least 40 working days before the shipment is to leave the country of export. The 40 working-day period begins on the day following the date that the Stratospheric Ozone Protection Program receives the petition. Petitions may be faxed, sent by certified mail, express service, or regular mail to the Refrigerant Recycling Program Manager at the Stratospheric Program Implementation Branch as listed in Part 1 of the guidance document.

If EPA issues an objection letter, the importer has up to 10 working days to re-petition if EPA indicated “insufficient information” as the basis for the objection notice. If EPA issues a non-objection letter, a copy of the non-objection letter and the petition must accompany the shipment through U.S. Customs. The approved used methyl bromide must be imported within the same control period as the date stamped on the non-objection notice.

3.8.1. Petition Information Requirements

Section 82.13(g)(2)-(3) describes the information requirements for petitioners in detail, and Part 2 Section 2.7 of the Guidance Document summarizes those requirements for other Class I substances. There is no EPA-recommended petition form. The petition may be in any form as long as it includes the information in 82.13(g)(2)-(3).

In evaluating a petition, EPA determines whether the methyl bromide to be imported is, in fact, previously used. In order to independently verify the previous use of this class I substance, EPA requires information on a contact person in the foreign country, including telephone and fax numbers. In addition, EPA requires a detailed description of the source facility (facilities) and the specific equipment from which the methyl bromide was recovered. This information ensures U.S. compliance under the Montreal Protocol.

3.8.2. Recordkeeping Requirements

Section 82.13(g)(3)(viii) describes the recordkeeping requirements for companies receiving non-objection notices. The records that must be maintained by all companies approved to import used methyl bromide are summarized below:

- A copy of the petition;
- EPA non-objection notice;
- Bill of lading for the import; and
- U.S. Customs entry documents for the import

3.9. DISTRIBUTORS OF QPS METHYL BROMIDE

Distributors of methyl bromide are required to report to EPA. Section 82.13(y) describes the regulatory requirements for recordkeeping and quarterly reporting for distributors. Distributors must send the report to EPA within 45 days after the end of the quarter. Terms such as “quarantine applications” and “preshipment applications,” are defined in regulations (§82.3) or in Appendix E.

3.9.1. Recordkeeping Requirements

Section 82.13(y)(3) describes the recordkeeping requirements for distributors who receive certifications stating that the quantity ordered and delivered will be used solely for QPS applications. For the convenience of reporting companies, EPA has provided *Form 1432.22-C-MB* as a recommended certification form; please refer to Section 3.11 of this guidance document for more information. Records of certifications must be maintained for three years.

3.9.2. Reporting Requirements

As required in §82.13(y)(4), distributors must report to EPA the total quantity of methyl bromide that was ordered and delivered to purchasers certifying its use solely for QPS applications. The report must include the name of the methyl bromide distributor and address, and a contact name and phone number for the distributor. The report must also identify the supplying company from whom the methyl bromide is being purchased solely for QPS applications.

3.9.3. Form Instructions – Distributor of QPS Methyl Bromide Quarterly Report (Form 1432.22-D-MB)

The Distributor Quarterly Report has one section:

Section 1 – Distributor Information

Section 1 – Distributor Information

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Total Quantity of Methyl Bromide Delivered for Use in Certified QPS Applications (kg): Total quantity, in kilograms, that was delivered by the distributor for use in certified QPS applications.
- 1.3 Quarter and Year to Which this Report Applies: Check the appropriate box and enter the appropriate year.
- 1.4 Distributor Information: Name of the distributor and the business address of the contact person for the report.
- 1.5 Distributor Contact Identification: Name, telephone number, and fax number of the company official who may be contacted by EPA to answer questions concerning the report.
- 1.6 Supplier Identification: Name of the supplier of methyl bromide (the name of the supplying company from which the quantity specified in Section 1.2 originated). This may or may not be the company identified in Section 1.4.

- 1.7 Signature of Reporting Distributor Representative: Company official who is certifying that the total quantity of methyl bromide listed in the form was exclusively sold for use in QPS applications, and not sold or transferred to another person. This may or may not be the company contact person identified in Section 1.5. The person signing the form should read the "certification" that the information on the form is accurate.

3.10. CERTIFICATION OF QPS METHYL BROMIDE ORDER/ PURCHASE

Prior to delivery, purchasers of methyl bromide must certify to the supplier company if the methyl bromide will be used solely for quarantine and preshipment (QPS) applications and not be resold or used in manufacturing. If the purchaser is the distributor, the distributor must submit the certification to the producer or importer, as required in §82.13(y)(1). If the purchaser is the applicator, the applicator must submit the certification to the distributor of the methyl bromide, as required in §82.13(y)(2).

Section 82.13(y) describes the regulatory requirements for certification of QPS methyl bromide orders/purchases. Terms such as “quarantine applications” and “preshipment applications,” are defined in regulations (§82.3) or in Appendix E.

3.10.1. Recordkeeping Requirements

Recordkeeping is required for distributors and applicators of methyl bromide as well as every commodity owner, shipper or their agent requesting an applicator to use methyl bromide for QPS purposes. Records must be maintained for three years.

Section 82.13(y)(3) describes the recordkeeping requirements for distributors of methyl bromide who receive a certification from an applicator that the methyl bromide will be used solely for QPS purposes.

Section 82.13(z)(1) describes the recordkeeping requirements for applicators of methyl bromide produced or imported solely for QPS purposes.

Section 82.13(z)(2)(aa) describes the recordkeeping requirements for commodity owners, shippers or their agents that request an applicator to use methyl bromide solely for QPS applications.

3.10.2. Reporting Requirements

Section 82.13(y)(1)-(2) and §82.13(z)(2) describe the reporting requirements for distributors and applicators of methyl bromide produced or imported solely for QPS purposes. A certification report must be completed by any company purchasing methyl bromide and must subsequently be maintained as records by both the purchaser and the supplier (the form is not submitted to EPA). For the convenience of reporting companies, EPA has provided *Form 1432.22-C-MB* as a recommended certification form. The report was designed so to allow the distributor receiving the form to track the quantities of exempt and non-exempt methyl bromide. The report should include the name of the methyl bromide customer and address, and a contact name and phone number for the customer. The certification from the purchaser should also identify the total quantity of methyl bromide ordered or purchased. The reporting company representative should certify, by selecting the appropriate check box, if the methyl bromide will or will not be exclusively used for QPS applications.

Additionally, the commodity owner, shipper or their agent requesting an applicator to use methyl bromide solely for QPS purposes must provide documentation to the applicator that cites the regulatory requirement or other official requirement that justifies the use of exempted methyl bromide for QPS purposes. The documentation must certify knowledge of the requirements associated with the exemption for QPS applications by including a certification statement as provided in §82.13(z)(2)(aa). There is no EPA recommended form for this documentation.

3.10.3. Form Instructions – Certification of Order/Purchase of QPS Methyl Bromide (Form 1432.22-C-MB)

The Methyl Bromide Certification Report has one section:

Section 1 – Purchaser Identification and Methyl Bromide Use

Section 1 – Purchaser Identification and Methyl Bromide Use

- 1.1 Date of Submission: Date the report is submitted to the supplier of the methyl bromide.
- 1.2 Quantity of Methyl Bromide Ordered/Purchased (kg): The total quantity of methyl bromide, in kilograms, that was ordered or purchased.
- 1.3 Company Information: Name of the purchaser and the business address of the contact person for the report.
- 1.4 Company Contact Identification: Name, telephone number, and fax number of the official at the purchasing company who may be contacted by the supplier to answer questions concerning the report.
- 1.5 Signature of Reporting Company Representative: Company official who is certifying if the methyl bromide being purchased was or was not solely for QPS applications and will not be resold or used for manufacturing, and attesting to the accuracy of the report. This may or may not be the company contact person identified in Section 1.5. The person signing the form should select the appropriate check box and should read the "certification" that the information on the form is accurate.